

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
	)	

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**ORDER SCHEDULING DISCOVERY CONCERNING COGNIZABLE  
DAMAGES RELATED TO CLAIM NUMBER 3759 FILED BY FRANK REED**

This matter is on remand from the U.S. District Court for the Southern District of New York.

On January 20, 2016, the Court entered an order [ECF Doc. # 9523] requiring Mr. Reed to set forth “with specificity the ‘cognizable damages [that Reed contends he suffered] as a direct result of the Foreclosure Action beyond the damages relating to the Property....’” On February 5, 2016, Mr. Reed filed such statement. See ECF Doc. # 9598. Pursuant to the Court’s order, the Court held a case management and scheduling conference on February 10, 2016.

This Order shall govern future proceedings in connection with this contested matter.

1. Mr. Reed shall not be entitled to further amend Claim Number 3759.
2. On or before **April 12, 2016**, Mr. Reed shall provide to the ResCap Borrower Claims Trust (the “Borrower Trust”): (i) all expert reports that he intends to rely upon at trial on this contested matter, (ii) a list of all fact witnesses whom he intends to introduce at trial, and (iii) written direct testimony (in the form of a declaration) for

each such witness. Mr. Reed will not have an opportunity to supplement his expert and fact witness lists after April 12, 2016.

3. On or before **May 27, 2016**, the Borrower Trust shall provide to Mr. Reed: (i) any expert rebuttal reports and (ii) the names of its fact witnesses together with written direct testimony (in the form of a declaration) for each such fact witness. In addition, the Borrower Trust shall complete its depositions of Mr. Reed's fact and expert witnesses on or before May 27, 2016.

4. The deadline for Mr. Reed to depose the Borrower Trust's witnesses shall be set by a separate court order.

5. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure ("Civil Rules"), Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and the Local Rules of the Bankruptcy Court for the Southern District of New York ("Local Bankruptcy Rules").

6. In the event of any discovery dispute in this action, counsel shall first meet and confer in an effort to resolve the dispute. If counsel and Mr. Reed are unable to resolve the dispute, the party seeking assistance from the Court shall, before filing any discovery motion, arrange a conference call with the Court with all parties involved in the dispute. The Court will endeavor to resolve the dispute without the filing of any discovery motions.

7. The next Case Management Conference is scheduled for April 19, 2016, at 10 a.m. (prevailing Eastern Time).

8. This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend

any deadline established by this Order shall be made in a written application no less than five (5) days prior to the expiration of the date sought to be extended.

**IT IS SO ORDERED.**

Dated: February 16, 2016  
New York, New York

/s/Martin Glenn

MARTIN GLENN

United States Bankruptcy Judge